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September 29, 2007

Judge Cedarbaum
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1330
New York, N.Y. 10007

Hollander v. Copacabana Nightclub et al. (Class Action)
S.D.N.Y. 07 Cv 5873 (MGC)

Dear Judge Cedarbaum:

I am the tentative class representative for the plaintiffs and tentative class counsel in the above captioned civil rights, 42 U.S.C. § 1983, class action pursuant to Fed. R. Civ. § 23(b)(2).

The parties held their Rule 26(f) conference by telephone on September 19th. The plaintiff class attorney and attorneys for the following three defendants participated:

Copacabana was represented by Charles B. Linn,
Lotus by Deborah Swindells Donovan, and
Sol by Adam B. Kaufman and Robert S. Grossman.

As for defendant China Club, represented by Thomas B. Wilinsky, the plaintiff class is currently in settlement negotiations with Mr. Wilinsky.

Vanessa R. Elliott, representing A.E.R. Lounge, did not participate in the Rule 26(f) conference. Neither did anyone from Guest House, which the plaintiff class counsel has requested dismissal of in a July 9, 2007 letter to the Court.

The plaintiff class counsel and the three participating defense attorneys reached a number of agreements on scheduling but also disagreed on other scheduling matters. The scheduling agreements and disagreements are noted in the attached Proposed Case Management Plan.

The plaintiff class counsel sent the participating and non-participating defendants a tentative discovery plan for them to review, comment on and use as a basis for negotiating a joint discovery. None of the defendants have responded, so the plaintiff class counsel has submitted only his own discovery plan in the Proposed Case Management Plan.

The initial Court conference in this class action is scheduled for Tuesday, October 16th at 3:30 PM. Defense counsel for A.E.R. Lounge, Vanessa Elliott, has filed a Rule 12(b)(6) motion to dismiss that is returnable October 25th with opposition due Wednesday, October 17th, the day after the conference. The plaintiff class counsel requests that all Rule 12 motions be postponed until after a motion for class certification is decided. My letter to the Court of August 10th initially requested guidance on scheduling the class certification motion.

Finally, since the purpose of the initial scheduling conference is to organize this proceeding for an efficient rendering of justice, a timetable applicable to all parties seems desirable rather than a scattered filing of similar motions returnable on different dates.

Thank you for your time.

Sincerely,

/S/

Roy Den Hollander (RDH 1957)

CC Charles B. Linn, Esq.
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